

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

James K. Lynch
Tina I. Lynch
Debtor(s)

Bankruptcy Case No.: 16-20931-JAD
Issued Per Mar. 16, 2017 Proceeding
Chapter: 13
Docket No.: 64 – 42, 49, 51
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated January 19, 2017 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$1,878 as of April 2017. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☐ H. Additional Terms:

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: March 20, 2017

Jeffery A. Deller
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 James K. Lynch
 Tina I. Lynch
 Debtors

Case No. 16-20931-JAD
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel
 Form ID: 149

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 Total Noticed: 35

Date Rcvd: Mar 20, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 22, 2017.

db/jdb	+James K. Lynch, Tina I. Lynch, 6970 Route 711, Seward, PA 15954-2028
cr	+Midland Credit Management, Inc., Po Box 2011, Warren, MI 48090-2011
cr	+THE BANK OF NEW YORK MELLON, Robertson Anschutz & Schneid, P.L., 6409 Congress Ave, Suite 100, Boca Raton, FL 33487-2853
14196016	+Amazon/Chase, Cardmember Service, P.O. Box 15153, Wilmington, DE 19886-5153
14196017	+Atlantic Broadband, 120 Southmont Blvd., Johnstown, PA 15905-4291
14196019	+Cabela's Club Visa, P.O. Box 82519, Lincoln, NE 68501-2519
14196020	Capital One, P.O. Box 30285, Salt Lake City, UT 84130-0285
14218424	Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
14196021	+Client Services, Inc., 3451 Harry Truman Blvd., Saint Charles, MO 63301-9816
14196025	+Gander Mtn, p.o box 659465, San Antonio, TX 78265-9465
14196027	+Home Depot, P.O. Box 6497, Sioux Falls, SD 57117-6497
14196028	+Jeep Mastercard, P.O. Box 3412, Omaha, NE 68103-0412
14196029	+Kay Jewelers, P.O. Box 3680, Akron, OH 44398-0001
14236377	+MIDLAND FUNDING LLC, PO Box 2011, Warren, MI 48090-2011
14196030	+Maurice's, P.O. Box 182125, Columbus, OH 43218-2125
14196031	+Northwest Consumer Discount Company, P.O. Box 5487, Johnstown, PA 15904-5487
14196032	+Ocwen Loan Servicing, LLC, P.O. Box 6440, Carol Stream, IL 60197-6440
14196034	+Sears Cardmember Services, P.O. Box 6275, Sioux Falls, SD 57117-6275
14260240	The Bank of New York Mellon, c/o Ocwen Loan Servicing, LLC, Attn: Bankruptcy Department, P.O. BOX 24605, West Palm Beach, FL 33416-4605
14249015	WORLD'S FOREMOST BANK, CABELA'S CLUB VISA, PO BOX 82609, LINCOLN, NE 68501-2609

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14196015	+E-mail/Text: ally@ebn.phinsolutions.com Mar 21 2017 01:52:12 Ally Financial, P.O. Box 380901, Minneapolis, MN 55438-0901
14196014	+E-mail/Text: ally@ebn.phinsolutions.com Mar 21 2017 01:52:12 Ally Financial, 200 Renaissance Center, Detroit, MI 48243-1300
14201746	E-mail/Text: ally@ebn.phinsolutions.com Mar 21 2017 01:52:12 Ally Financial Lease Trust, PO Box 130424, Roseville, MN 55113-0004
14256382	+E-mail/Text: bncmail@w-legal.com Mar 21 2017 01:53:01 COMENITY CAPITAL BANK, C O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
14196022	+E-mail/Text: creditonebknotifications@resurgent.com Mar 21 2017 01:52:15 Credit One Bank, P.O. Box 60500, City of Industry, CA 91716-0500
14196023	+E-mail/Text: mrdiscen@discover.com Mar 21 2017 01:52:13 Discover, P.O. Box 71084, Charlotte, NC 28272-1084
14202927	+E-mail/Text: mrdiscen@discover.com Mar 21 2017 01:52:13 Discover Bank, Discover Products Inc, P.O. Box 3025, New Albany Ohio 43054-3025
14196024	+E-mail/Text: Bankruptcy.Consumer@dish.com Mar 21 2017 01:52:47 Dish Network, P.O. Box 4034, Woburn, MA 01888-4034
14196026	+E-mail/Text: megan@healthcarefirstcu.com Mar 21 2017 01:53:27 Healthcare First Credit Union, 1152 Franklin Street, Johnstown, PA 15905-4310
14252266	E-mail/PDF: resurgentbknotifications@resurgent.com Mar 21 2017 01:44:16 LVNV Funding, LLC its successors and assigns as, assignee of FNMB, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
14264059	E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Mar 21 2017 01:51:19 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
14196033	+E-mail/PDF: gecsedirecoverycorp.com Mar 21 2017 01:43:49 PayPal Credit Services/SYNCB, P.O. Box 960080, Orlando, FL 32896-0080
14196035	E-mail/PDF: gecsedirecoverycorp.com Mar 21 2017 01:43:50 SYNCB/Sam's Club, P.O. Box 530942, Atlanta, GA 30353-0942
14201747	+E-mail/Text: ecf@buckleyking.com Mar 21 2017 01:52:14 Sterling Jewelers, Inc. dba Kay Jewelers, c/o Buckley King LPA, 600 Superior Avenue East, Suite 1400, Cleveland, Ohio 44114-2693
14196036	+E-mail/PDF: gecsedirecoverycorp.com Mar 21 2017 01:43:37 WalMart Discover, P.O. Box 981064, El Paso, TX 79998-1064

TOTAL: 15

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr	OCWEN LOAN SERVICING, LLC, AS SERVICER FOR THE BAN
cr	THE BANK OF NEW YORK MELLON, F/K/A THE BANK OF NEW
cr	The Bank Of New York Mellon, As Successor Trustee
cr	The Bank of New York Mellon etal
cr*	+Healthcare First Credit Union, 1152 Franklin Street, Johnstown, Pa 15905-4310
14196018	##+Best Buy Credit Services, P.O. Box 183195, Columbus, OH 43218-3195

TOTALS: 4, * 1, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

District/off: 0315-2

User: jhel
Form ID: 149

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***** BYPASSED RECIPIENTS (continued) *****

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 22, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 20, 2017 at the address(es) listed below:

Chrisovalanate P. Fliakos on behalf of Creditor The Bank Of New York Mellon, As Successor
Trustee et al., pawb@fedphe.com
James Warmbrodt on behalf of Creditor THE BANK OF NEW YORK MELLON, F/K/A THE BANK OF NEW
YORK, AS TRUSTEE FOR THE CERTIFICATE HOLDERS OF THE CWABS, INC., ASSET-BACKED CERTIFICATES,
SERIES 2005-17 bkggroup@kmlawgroup.com
Kenneth P. Seitz on behalf of Plaintiff Tina I. Lynch thedebterasers@aol.com
Kenneth P. Seitz on behalf of Joint Debtor Tina I. Lynch thedebterasers@aol.com
Kenneth P. Seitz on behalf of Plaintiff James K. Lynch, Jr. thedebterasers@aol.com
Kenneth P. Seitz on behalf of Debtor James K. Lynch thedebterasers@aol.com
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
Peter J. Ashcroft on behalf of Creditor OCWEN LOAN SERVICING, LLC, AS SERVICER FOR THE BANK
OF NEW YORK MELLON pashcroft@bernsteinlaw.com,
ckutch@ecf.courtdrive.com;pashcroft@ecf.courtdrive.com;pghecf@bernsteinlaw.com;cabbott@ecf.court
rive.com
Peter W. Wapner on behalf of Creditor The Bank of New York Mellon etal
peter.wapner@phelanhallinan.com
Ronda J. Winnecour cmecf@chapter13trusteedpa.com
Timothy S. Lijewski on behalf of Creditor Healthcare First Credit Union
covellilawoffices@yahoo.com, jcovelli@covellilaw.com

TOTAL: 11